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REMARKS

This Response is offered in reply to the Advisory Action dated March 10, 2003.

The examiner comments on page 2 of the Advisory Action that "there is no claim language which precludes the examiner's reading of the limitation of the claimed seal".

Applicant disagrees but in the interest of advancing prosecution of this application proposes amending claim 1 to recite that the seal is disposed exteriorly of the housing between the checking element and the housing and extends around said shaft, wherein the seal abuts on the checking element and abuts on the housing. Applicant proposes to amend claim 39 in similar manner.

This claim language is believed to preclude the examiner from reading of Applicant's seal in the Huber '516 patent as the examiner as done in the final rejection.

For example, the cited Huber '516 patent discloses a double lip seal 28 internal of the housing 16 for sealing the passage of the shaft 26 through the face-sided cover of the housing 16 against chips and coolant (see patent column 2, lines 64-67) and O-rings seals 30 internal of the housing for sealing the respective face-sided cover of the housing 16 (see patent column 2, line 67 through column 3, line 1).

The area between reference numerals 28 and 30 read by the examiner as a seal in actuality comprises one end (i.e. one of the so-called face-sided covers) of the housing 16. In particular, at column 2, lines 64-67, Huber expressly states (1) that the double lip seal 28 "seals the passage of the 26 through the face-sided cover of the housing 16 against chips and coolant" and (2) that "O-ring seals 30 seal the respective face-sided cover of the cylindrical housing 16". That is, the area between seals 28, 30 in actuality must be the face-sided cover of the housing 16 that is expressly described as being sealed by seals 28, 30 and that is

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shown in previously-provided marked-up Figures 1 of the Huber US patent and corresponding German patent document DE 43 10 872 A1 as being threadably secured at cooperating threaded regions R in the housing 16.

Applicant believes the proposed claim language precludes the examiner from reading of Applicant's seal in the Huber '516 patent as the examiner as done in the final rejection. As mentioned above, the area between reference numerals 28 and 30 read by the examiner as a seal in actuality comprises one end (i.e. one of the so-called face-sided covers) of the housing 16. That area cannot be read as a seal which is disposed exteriorly of the housing between the checking element and the housing and which extends around a shaft by means of which the checking element is driven, wherein the seal abuts on the checking element and abuts on the housing as recited in proposed amended claim 1. The same is true of proposed amended claim 39.

Reconsideration of the Section 102(a) rejection of claims 1, 3-10, and 39 is requested.

Applicant asks the examiner to telephone (at 1-629-629-9136) the undersigned to discuss this proposed response.

Respectfully submitted,



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enclosures:

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent Office to number 1-703-872-9319 on March 28, 2003.



Edward J. Timmer